

Introduced by Senator Alquist

February 17, 2005

An act to amend Section 1569.33 of the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

SB 374, as introduced, Alquist. Residential care facilities for the elderly: evaluations.

Existing law requires the State Department of Social Services to visit residential care facilities for the elderly as often as necessary to ensure the quality of care provided, but not less than once every 5 years. The department is required to conduct an annual unannounced visit to a facility when its license is on probation, the compliance plan or a condition of federal funding mandates annual visits, an accusation against a licensee is pending, or to verify that a person who has been ordered out of the facility by the department is no longer there. With all other residential care facilities for the elderly, the department is required to conduct an annual unannounced visit to no less than 10%.

This bill would require the department to make an unannounced visit at least every 2 years to a residential care facility for the elderly not subject to annual visits.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Prior to the enactment of Chapter 225 of the Statutes of
- 4 2003, every residential care facility for the elderly was required

1 to be periodically inspected, and to be evaluated at least one time
2 per year or as often as necessary by a representative designated
3 by the Director of Social Services, to ensure the quality of care
4 being provided.

5 (b) Pursuant to the 2003 enactment, the State Department of
6 Social Services is now required to visit these facilities as often as
7 necessary to ensure the quality of care provided, but no less often
8 than once every five years.

9 (c) Subject to these provisions, the department is now only
10 required to conduct an annual unannounced visit to no less than
11 10 percent of facilities, except under certain circumstances
12 requiring an annual unannounced visit.

13 (d) Unlike skilled nursing facilities with their professional
14 nursing staff, residential care facilities for the elderly are usually
15 small secluded homes administered by their owner, and
16 occasionally a single aide to assist with care.

17 (e) Many residents have no visitors to check on them.

18 (f) Most residential care facilities for the elderly offer
19 acceptable levels of care and observances of civil rights, and a
20 few offer superb accommodations, but some need to be
21 monitored continually due to the marginal and substandard level
22 of care provided.

23 (g) Some facilities are criminal in their mistreatment and
24 neglect.

25 SEC. 2. Section 1569.33 of the Health and Safety Code is
26 amended to read:

27 1569.33. (a) Every licensed residential care facility for the
28 elderly shall be subject to unannounced visits by the department.
29 The department shall visit these facilities as often as necessary to
30 ensure the quality of care provided.

31 (b) The department shall conduct an annual unannounced visit
32 of a facility under any of the following circumstances:

33 (1) When a license is on probation.

34 (2) When the terms of agreement in a facility compliance plan
35 require an annual evaluation.

36 (3) When an accusation against a licensee is pending.

37 (4) When a facility requires an annual visit as a condition of
38 receiving federal financial participation.

(5) In order to verify that a person who has been ordered out of the facility for the elderly by the department is no longer at the facility.

~~(c) The department shall conduct annual unannounced visits to no less than 10 percent of facilities not subject to an evaluation under subdivision (b) at least every two years. These unannounced visits shall be conducted based on a random sampling methodology developed by the department. If the total citations issued by the department exceed the previous year's total by 10 percent, the following year the department shall increase the random sample by 10 percent of facilities not subject to an evaluation under subdivision (b). The department may request additional resources to increase the random sample by 10 percent.~~

~~(d) Under no circumstance shall the department visit a residential care facility for the elderly less often than once every five years.~~

~~(e)~~

(d) The department shall notify the residential care facility for the elderly in writing of all deficiencies in its compliance with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the facility.

~~(f)~~

(e) Reports on the results of each inspection, evaluation, or consultation shall be kept on file in the department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public inspection in the county in which the facility is located.

~~(g)~~

(f) As a part of the department's annual evaluation process, the department shall review the plan of operation, training logs, and marketing materials of any residential care facility for the elderly that advertises or promotes special care, special programming, or a special environment for persons with dementia to monitor compliance with Sections 1569.626 and 1569.627.